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16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA

19 IBIZ, LLC, a California Limited Liability
20 Company,

21 Plaintiff,

22 vs.

23 CITY OF HAYWARD, a California
municipal corporation,

24 Defendant
25

Case No. CV 13 1537 SC

**STIPULATION AND ORDER TO
CONTINUE CMC AND TO ESTABLISH
FEES FILING DEADLINE**

Date of CMC: Feb. 7, 2014

Time: 10:00 a.m.

Place: Courtroom 1

26 Pursuant to Local Rule 16-10(c), Plaintiff IBIZ, LLC ("Plaintiff" or "IBIZ") and
27 Defendant the City of Hayward ("Defendant" or the "City") hereby submit this Stipulation and
28

1 [Proposed] Order to continue the Case Management Conference presently set in this Court for
2 February 7, 2014 at 10 a.m. to April 11, 2014, at 10 a.m., and to establish a deadline of 30 days
3 following the conclusion of any ADR proceeding(s) in this case for the filing of any attorneys
4 fees motions.

5 As set forth in paragraph 16 of the Joint Case Management Statement (Doc. 55) filed on
6 January 31, 2014, "Whether an attorneys fees motion need be filed will not be determined until
7 after the conclusion of the ADR [proceedings]. Consequently, the parties propose that the filing
8 of any attorneys fees motion be scheduled to occur no later than 30 days after the conclusion of
9 any ADR [proceedings]."

10 Since the merits of this case are now moot, and since the parties are in agreement as to
11 how to proceed regarding attorneys fees, there would no longer seem to be a purpose for holding
12 the presently scheduled Case Management Conference, at least prior to the time (following any
13 ADR proceedings) that the parties conclude that it may become necessary to file attorneys fees
14 motions in order to resolve the outstanding attorneys fees issues. For this reason, the parties
15 mutually agree that holding the currently scheduled Case Management Conference at this stage
16 would be premature and request that the Court: (1) reschedule the Case Management Conference
17 to April 11, 2014; (2) order that any fees motions be filed within 30 days after the conclusion of
18 any ADR proceedings addressing the issue of attorneys' fees; and (3) further order that, any party
19 seeking attorneys fees shall file, within 5 days of the conclusion of such ADR proceedings, a
20 Supplemental Status Report, notifying the court of the conclusion of such proceedings.

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23 WESTON, GARROU & MOONEY

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25 DATED: February 3, 2014

26 By: /s John H. Weston
27 JOHN H. WESTON
28 Attorney for Plaintiff
IBiz, LLC

1 DATED: February 3, 2014

MICHAEL S. LAWSON, CITY ATTORNEY

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3 By: s/ Michael G. Vigilia (as authorized on 1/31/14)

4 MICHAEL G. VIGILIA

5 Assistant City Attorney, City of Hayward

6 Attorney for Defendant City of Hayward

7 **ORDER**

8
9 (1) The Case Management Conference presently set for February 7, 2014 in this case is
10 continued to April ¹⁸~~1~~, 2014 at 10:00 a.m.;

11 (2) Any fees motions shall be filed within 30 days following the conclusion of any ADR
12 proceedings; and

13 (3) Any party seeking attorneys fees shall file, within 5 days of the conclusion of such
14 ADR proceedings, a Supplemental Status Report, notifying the court of the conclusion of such
15 proceedings.

16 DATED: February 03, 2014

